

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

May 2, 2012

SENT VIA E-MAIL AND U.S. MAIL
Mayor@Rogersarkansas.com

The Honorable Mayor Greg Hines
301 W. Chestnut
Rogers, AR 72756

Re: Inappropriate Sponsorship of Mayor's Prayer Breakfast

Dear Mayor Hines:

I am writing on behalf of a concerned Rogers resident and taxpayer, and other Arkansas members of the Freedom From Religion Foundation ("FFRF"), to urge you to immediately discontinue using City resources and taxpayer funds to plan, organize, or promote the upcoming Mayor's Prayer Breakfast event. FFRF is a national nonprofit organization with over 18,000 members, including members in Arkansas. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that a Mayor's Prayer Breakfast is being held at Cross Church at Pinnacle Hills in Rogers, which coincides with the National Day of Prayer, and is sponsored and organized by the Mayor's Office. It is our further understanding that tickets to the event are being sold at Rogers City Hall, and that the event is advertised on the City's website at <http://www.rogersarkansas.com/> (see the attached photograph).

As you may be aware, the National Day of Prayer is a sectarian event. The National Day of Prayer originated with Rev. Billy Graham during his religious crusade in Washington, D.C. in 1952. He expressed an openly Christian purpose, seeking such an annual proclamation by the President because he wanted "the Lord Jesus Christ" to be recognized across the land. Congressional sponsors likewise openly expressed an agenda of promoting Christianity and belief in a god. Christian evangelical lobbies were behind the 1988 change in law designating the first Thursday in May as the annual National Day of Prayer. Subsequently, the National Day of Prayer Task Force was created to "communicate with every individual the need for personal repentance and prayer, mobilizing the Christian community to intercede for America and its leadership." Chair Shirley Dobson, wife of the founder of Focus on the Family, or her designee issues annual National Day of Prayer proclamations and submits them to the President, choosing a theme with supporting scripture from the bible. (This year's theme is "One Nation Under God." Promotional materials for the day include a quote from Psalm 33:12, "Blessed is the nation whose God is the Lord.") The task force's stated goal is to pressure as many elected officials as possible to also issue National Day of Prayer proclamations.

Coordinators, volunteers and speakers at task force events must share the view that the bible is inerrant and “there is only one Savior and only one gospel.”

Your participation in this annual event, and the City’s apparent coordination of the event, poses serious constitutional separation of state and church concerns. The Establishment Clause of the First Amendment to the United States Constitution prohibits the government from endorsing, advancing, or promoting religion. Therefore, it is grossly illegal and inappropriate for you in your official capacity or the City to be hosting, organizing, supporting, or otherwise promoting a patently religious event, such as the Mayor’s Prayer Breakfast. This practice certainly has the effect of government endorsement of religion. The Prayer Breakfast, which coincides with the evangelical National Day of Prayer, sends the message that the City of Rogers not only prefers religion over non-religion, but also Christianity over all other religions. It alienates non-believers in Arkansas by turning them into political outsiders in their own community, including the 15% of adult Americans who identify as non-religious (American Religious Identification Survey 2008, Trinity College). This violates the Establishment Clause of the First Amendment to the United States Constitution, which requires government neutrality toward religion.

From all appearances, any reasonable Rogers resident would logically interpret the City’s actions in this case as government endorsement of religion. The City is selling tickets for the religious event at City Hall. A press release regarding the Prayer Breakfast was issued by the City, and the event is advertised under “News” on the City website. It is of no consequence that the breakfast will take place on private property. Given the high degree of City involvement and entanglement in the event, any reasonable person would interpret this conduct as government espousal of religion.

The City and the Mayor’s Office must refrain from expending any further taxpayer dollars, using publicly funded employees, or drawing on any other publicly funded resources to promote the religious prayer luncheon. This includes publicizing the event on the City website, advertising and handling ticket sales, and being a sponsor (or co-sponsor) of the event.

It is not uncommon for ministerial associations or private groups to host a prayer breakfast/luncheon and invite public officials, who attend as individuals. This is the case at the National Prayer Breakfast in Washington D.C., for example. But it is absolutely unlawful, inappropriate, and unseemly, under the First Amendment, for a mayor’s office itself to host such an event or work in tandem with event organizers to put on the breakfast.

Finally, you appear to be sponsoring and attending the event in your official capacity as Mayor of Rogers. The United States Supreme Court has held that public officials may not seek to advance or promote religion. The Supreme Court has specifically stated, “If there is any fixed star in our constitutional constellation, it is that *no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.* If there are any

circumstances which permit an exception, they do not now occur to us.” (emphasis added) *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).

The separation of state and church is among one of the most fundamental principles of our system of government. As the City’s highest elected official, you are charged with great responsibility and have been given significant trust by its citizens, including those citizens who may not share your religious viewpoints. Even if the prayer luncheon is sponsored by an outside religious organization or church, any insinuation that you attend these religious events in your official capacity as Mayor raises grave Establishment Clause concerns. Therefore, we strongly urge you to consider your status as the highest elected official in Rogers and the importance of the constitutional principle of separation of church and state before you agree to attend any future religious functions in your community as Mayor of your city, much less lend your name as mayor to the event.

The City must cease all sponsorship and organization of the Mayor’s Prayer Breakfast. We ask that you disassociate the Mayor’s office from the event and refrain from hosting, organizing, or otherwise coordinating the breakfast in the future. All ticket sales from City offices must be discontinued immediately. We request a response in writing about what steps you are taking to ensure constitutional dictates are being followed.

Sincerely,

A handwritten signature in black ink, appearing to read 'RSM', with a stylized flourish at the end.

Rebecca S. Markert
Staff Attorney

RSM: kle